

### REMARKS

Claims 48-75 are currently pending in this application and have been rejected to by the Examiner. Claims 48-69 are rejected by the Examiner under 35 U.S.C. 102(b) as being disclosed by Tenenbaum et al. (Eco System: An Internet Commerce Architecture) and as being disclosed by Sriram. Claims 70-75 are newly added.

#### Report of Interview

Applicants appreciate the Examiner's courtesy of an in-person interview on October 6, 2005. Prior to the interview, we submitted a proposed agenda, the substance of which is reproduced below:

"The spirit of this interview is [to] advance the case towards allowance. A number of rejections of have already been overcome. We have responded already to the last office action with a thorough explanation of why the references cited the not apply.

This is a very old application, filed in 1998. Siblings of this application were allowed in 2000 and 2001.

Issues for the interview include:

1. The relationship of this application to previously granted patents.
2. An update on the transfer of ownership from Commerce One (liquidated through bankruptcy) to JGR, a subsidiary of Novell.
3. The historical relationship of the Tenenbaum reference to inventive efforts leading to this application.
4. Any amendments that might be negotiated to secure allowance of the application."

During the interview, we covered the items on the agenda. We focused on the Tenenbaum article. We went through each of the passages cited to make sure that counsel understood the Examiner's whole technical basis for the rejection. For instance, we asked whether there was any part of page 48 other than the words "trading communities" on which the Examiner relied.

We discussed the possibility of a Rule 132 declaration to explain the CORBA technology discussed in the Tenenbaum article and to distinguish the so-called Web

Services document-based technology. The Examiner suggested that a 5-6 page declaration might be required to adequately explain the technologies.

Following the interview, Applicants obtained a pair of declarations, along the lines discussed, including a declaration from Dr. Tenenbaum himself. We also located a second Tenenbaum article in a publication dated March 1999 that explains the impracticality of using the CORBA technology discussed in the first article, on which the Examiner relies. The second article also explains the innovative shift to a document-based approach. Finally, we located a CORBA reference book, which will help the Examiner satisfy himself regarding the technological differences.

The possibility of claiming that the documents exchanged are self-describing documents was discussed, but no agreement was reached. (After consideration outside the interview, it is apparent that "document" has a meaning in the art which is distinct from a CORBA object, especially when one of skill in the art reads the specification of this application.)

**Rejections Under 35 USC 102(b) of Claims 48-69**

Claims 48-69 are rejected under 35 USC § 102(b) as being disclosed by Tenenbaum et al., "Eco System: An Internet Commerce Architecture" Computer, pp. 48-55 (May 1997) (sometimes hereinafter "1997 CORBA article"). Recall that Tenenbaum's 1997 CORBA article is referenced in [0006] of this application's substitute specification. It has always been clear to Applicants that the technology disclosed and claimed is not what Tennenbaum (or Sriram) described.

In our prior response, we explained that the 1997 CORBA article does not teach what the Examiner thinks it teaches. We reproduced p. 48, col. 1, p. 51, col. 2 and p. 52, col. 2, which are the excerpts on which the Examiner continues to reply (FOA 8). Our response discussed them at length. The Examiner responded by repeating his position and bold facing passages of the references.

To break the deadlock between how the Examiner reads Tenenbaum and how we urge that one of skill in the art circa 1997-98 would understand it, we went to Dr. Tenenbaum. In his attached declaration, he makes it clear that using CORBA to create an e-commerce network was impractical, because it was object-oriented, not document-based. He discovered this after the article was written. Very persuasively, Dr. Tenenbaum cites an article by Glushko, Tenenbaum and Meltzer published in a

journal dated March 1999, after the priority date of this application, which recounts giving up on use of CORBA and switching to a document-based approach.

Dr. Tenenbaum's declaration credits Glushko for this innovation.

In clear words, Dr. Tenenbaum declares that the 1997 CORBA article did not suggest to or teach one of skill in the art use of a document-based approach.

Dr. Tenenbaum also cites the commercial success of Commerce One's document-based approach, which can be contrasted against Dr. Tenenbaum's determination that CORBA was impractical for building an e-commerce system.

As the Examiner has not cited any support for his interpretation of Tenenbaum and we now have supplied a 1999 Tenenbaum article and a declaration by Dr. Tenenbaum that both shed light on how one of skill in the art would have understood the 1997 CORBA article, we respectfully request that the rejections be withdrawn.

We also went to a Novell Distinguished Engineer, Stephen Carter, who was available to us due to Novell's founding role in Open Invention Network (at [www.openinventionnetwork.com](http://www.openinventionnetwork.com).) Mr. Carter is named as an inventor on 23 patents, more or less. Mr Carter's declaration explains that using CORBA is much different than using a document-based interface. The 1997 CORBA article did not suggest to or teach one of ordinary skill in the art to use a document-based interface. Mr. Carter explains how document-based approaches diverged from the object-oriented programming (OOP) paradigm of 1997-98.

The Carter declaration is a second basis for the rejections to be withdrawn.

Finally, to give the Examiner complete access to understanding CORBA, we submit with an IDS a copy of the book, Pope, Alan, "The CORBA Reference Guide" (Addison Wesley December 1997). We note that XML is not even listed in the index to the book. Neither "XML" nor "document" are terms defined in the glossary. We expect the book to give the Examiner confidence in the difference between the document-based approach disclosed in this application and expressed in the claims being examined, and the impractical CORBA-based approach described in Tenenbaum's 1997 CORBA article. (The book would be easier to read in the soft copy version provided than after scanning, so we put a post-it on the book asking the mail room to forward it to the Examiner.) We ordinarily would not submit a whole reference book, but our point is that CORBA does not encompass a document-based architecture. The best

way to see this is to page through the entire reference book, to be satisfied that it is not there.

Perusal of The CORBA Reference Guide is a third deadlock breaker, which should persuade the Examiner to withdraw the rejections based on his view of Tenenbaum's 1997 CORBA article.

Now, turning to **claim 48**, Applicants do not find in the cited passages,

*maintaining a registry of machine-readable specifications specifying business services offered by trading partners, the machine-readable specifications including at least one of definitions of, and references to definitions of, services offered and at least one of definitions of, and references to definitions of, documents to be exchanged with such services by trading partners; and*

*providing, in response to a request, one or more of the machine-readable specifications from said registry via a communication network to a requesting node.*

We do not find anywhere in the 1997 CORBA article a registry of machine-readable specifications of documents to be exchanged between services. We do not find providing machine-readable specifications of documents from from a registry to a requesting node.

Regarding **claims 49-50 and 53**, Applicants do not find in figures 2-4 "*data identifying respective descriptions of sets of storage units and logical structures for the sets of storage units*" or "*data adapted for parsing to identify an input document and one or more transactions which accept said input document*". Again, CORBA IIOP was not document-based, as those of skill in the art would understand the alternative paradigms. In the Examiner's response (FOA 8), the Examiner does not argue that the 1997 CORBA article presents such features.

Regarding **claim 51**, Applicants do not find in figures 2-3 "*definitions of the documents to be exchanged compris[ing] respective descriptions of sets of storage units and logical structures for the sets of storage units*". In the Examiner's response (FOA 8), the Examiner does not argue that the 1997 CORBA article presents such features.

Regarding **claim 52**, Applicants do not find in figures 2-4 *"machine-readable specifications includ[ing] documents compliant with a definition of a predefined document including logical structures for storing an identifier of a particular transaction, and at least one of definitions and references to definitions of input and output documents for the particular transaction"*. This is not how CORBA IIOP worked.

Regarding **claims 54-56 and 59-69**, Applicants do not find in Tenenbaum et al.,  
*maintaining a registry of machine-readable specifications specifying business services offered by trading partners, the machine-readable specifications including at least one of definitions of, and references to definitions of, services offered and at least one of definitions of, and references to definitions of, documents to be exchanged with such services by trading partners, wherein said machine-readable specifications comprise data identifying respective descriptions of sets of storage units and logical structures for the sets of storage units; and*

*providing, in response to a request, one or more of the machine-readable specifications from said registry via a communication network to a requesting node,*

*wherein the storage units comprise parsed data, and wherein the parsed data in at least one of the documents to be exchanged comprises:*

*character data encoding text characters in the one of the input and output documents, and*

*markup data identifying sets of storage units according to the logical structure of the one of the input and output documents.*

Nor do we find the additional limitations of the claims that depend from claim 54. The absence of these features from the 1997 CORBA article is addressed by Dr. Tenenbaum and Mr. Carter.

Regarding **claim 57**, Applicants do not find in figures 2-4 *"storage units compris[ing] unparsed data"*: CORBA IIOP messages are packaged as objects.

Regarding **claim 58**, Applicants do not find in the cited passages (pp. 48, 52) the claimed association of trading partners with machine-readable specifications.

Having reviewed with Dr. Tenenbaum the 1997 CORBA article and its lack of relevance to each of the claims, Applicants respectfully submit that **claims 48-69** should be allowable over the 1997 CORBA article.

**Rejections Under 35 USC 102(b) of Claims 48-69**

Claims 48-69 are also rejected under 35 USC § 102(b) as being disclosed by Ram Sriram (a sidebar to the 1997 CORBA article, at page 54).

The Sriram sidebar is so brief and obtuse that little can be said about the system it describes, except that the AIMSNet prototype is no longer in use, not on Lockheed Martin's web site, even using a Google search. It was never commercialized. The claimed technology has, in contrast, been a great commercial success and has been widely adopted.

The passages that the Examiner cites are:

AIMSNet, a product of the Agile Infrastructure for Manufacturing Systems (AIMS) program, is a working example of an I-market in the making. Using AIMSNet, an intercompany network (using the Internet) links companies like Lockheed Martin and its suppliers, allowing multi-company project teams to exchange technical and business information, collaborate on design, post quotes and purchase orders, tender or accept bids, find potential suppliers and partners and track project milestones. More than 10 companies currently use AIMSNet, and dozens more are joining soon.

AIMSNet, an industrial commerce infrastructure, is currently piloted as an aerospace I-market but can be easily customized to several other I-markets including automotive, electronics, and construction.

These passages do not provide any detail regarding the AIMSNet prototype.

Fortunately, Dr. Tenenbaum was familiar with AIMSNet and Mr. Carter has closely read the substance disclosed. Both declarations make it clear that AIMSNet did not have the claimed registry structure.

Dr. Tenenbaum describes AIMSNet as a DARPA prototype that was not commercialized. It was not and did not teach a document-based registry. Dr. Tenenbaum's recollection that AIMSNet was never commercialized can be contrasted to the commercial success of Commerce One's document-based approach.

Mr. Carter digs into the few details that the article supplies, in passages on which the Examiner did not expressly rely. He explains how one of ordinary skill in the art

would understand Sriram's description of AIMSNet, from an object-oriented perspective. In Mr. Carter's expert opinion, Sriram's article did not suggest to or teach one of ordinary skill in the art use of a document-based approach.

Therefore, **claims 48-69** should be allowable over Sriram.

**Added Claims 70-75**

Applicants have added claim 70, without any intention to introduce new subject matter. Use of the word "operations", instead of "services", is supported in paragraph [0059] of the substitute specification.

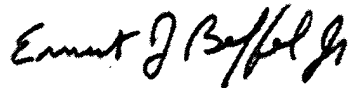
The wording of claims 71-75 parallels the wording of claims 49 *et seq.*

**CONCLUSION**

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims, in light of these remarks.

The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Respectfully submitted,



Dated: 27 March 2006

---

Ernest J. Beffel, Jr.  
Registration No. 43,489

HAYNES BEFFEL & WOLFELD LLP  
P.O. Box 366  
Half Moon Bay, CA 94019  
Telephone: (650) 712-0340  
Facsimile: (650) 712-0263